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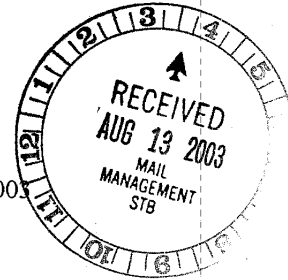
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ORIGINAL



August 13, 2003

208696

VIA HAND DELIVERY - RETURN COPY

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW (7th fl.)
Washington, DC 20423-0001

Dear Secretary Williams:


This refers to STB Finance Docket No. 34392, New Jersey Rail Carrier LLC-Acquisition and Operation Exemption-Former Columbia Terminals, Kearny, NY, and the Reply filed this day by New Jersey Rail Carrier LLC.

The Reply inadvertently failed to have attached to it a letter from New Jersey Rail Carrier LLC to Mr. Anthony Fontana of the New Jersey Department of Environmental Protection, dated June 12, 2003.

Ten copies of the omitted letter are enclosed.

I apologize for any inconvenience this error on my part may have occasioned.

Sincerely yours,


Fritz R. Kahn

encl.

cc: Edward D. Greenberg, Esq.

New Jersey Rail Carrier LLC

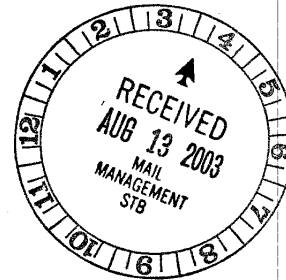
65 Central Ave.
South Kearny, NJ 07032



973.296.5419
fax: 973.344.0022

208696

June 12, 2003



Mr. Anthony Fontana
New Jersey Department of Environmental Protection
Chief Bureau of Hazardous Waste and Transfer Facilities
Division of Solid and Hazardous Waste
401 East State Street
PO Box 414
Trenton New Jersey 08625-0414

Re: South Kearny Rail Yard

Dear Mr. Fontana:

This letter is follow up to our recent telephone conversation with Mr. Tom Byrne of your office regarding our letter dated May 27, 2003. We have enclosed a copy of our earlier letter.

As we stated in our earlier letter all transloading operations will be transfers of containers from truck to rail. All containers will originate from licensed transfer stations and NJRC will comply with all district plan solid waste flow control provisions.

In our earlier letter we omitted including the anticipated tonnage. We anticipate building to a total daily tonnage of containers transferred from truck to rail of 4000 tons per day. We have been working closely with CSX, Norfolk Southern and Waste Management to develop a plan that effectively and economically moves the containers from New Jersey to out of state landfills by rail. The goal being to reduce traffic congestion and improve air quality by removing from the state's highways those trucks that would have transported these containers to the landfills.

NJRC is requesting a determination similar to that issued by the Department to CSX Transportation Inc. and Transflo Terminal Services, Inc.'s facility in Elizabeth, NJ. We

are requesting a determination that the Department will not seek to apply the provisions of N.J.A.C. 7:26:26-3.6 (b) through and including (f) to our South Kearny Facility.

NJRC's goal as set forth in our earlier letter, is to reduce the number of trucks on the highways of New Jersey while operating a facility that meets or exceeds all of the Department's operational requirements.

We appreciate your consideration and look forward to your prompt response so that we may finalize our plans for the South Kearny rail yard and achieve the anticipated benefit to the State of New Jersey as quickly as possible.

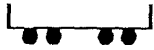
Very truly yours,

Darren Rizzo
MANAGING MEMBER
New Jersey Rail Carrier LLC

Cc: Tom Byrne

New Jersey Rail Carrier LLC

65 Central Ave.
South Kearny, NJ 07032


973.296 5419
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May 27, 2003

Mr. Anthony Fontana
New Jersey Department of Environmental Protection
Chief Bureau of Hazardous Waste and Transfer Facilities
Division of Solid and Hazardous Waste
401 East State Street
PO Box 414
Trenton New Jersey 08625-0414

Re: South Kearny Rail Yard

Dear Mr. Fontana:

As discussed with Tom Byrne of your office, New Jersey Rail Carrier LLC ("NJRC") is in the process of establishing an operation at its rail yard in South Kearny, to transfer containers of non-hazardous solid waste from trucks to railcars, similar to the operations at the CSX rail yard in Elizabeth, New Jersey. The containers will originate from licensed transfer stations, and NJRC will comply with all district plan solid waste flow control provisions. Below please find additional information regarding such proposed operation.

GEOGRAPHICAL LOCATION

NJRC's rail yard is a 14 +/- acre facility located at 65 Central Avenue, South Kearny, New Jersey. The property is situated at the very end of Central Avenue in South Kearny, and is bound on two sides by the Hackensack River and is adjacent to the Kearny Department of Public Works. The rail yard is located in an industrial area, zoned industrial, with no residential area nearby. There are no schools, hospitals or shopping centers within several miles. The facility is conveniently located near Routes 1&9 and the New Jersey Turnpike.

THE OPERATION

NJRC proposes to receive containerized non-hazardous solid waste in railroad approved intermodal containers, only from licensed transfer stations, lift the containers off of the chassis (trailer) and place the containers on railcars. NJRC will not engage in any form of solid waste tipping, processing, sorting, or compaction, and NJRC will not engage in the removal of solid waste from any containers. At no time during the operation will the containers be opened, allowed to leak, or transferred into another container. Non-putrescible waste will at no time be on site for more than ten days. Putrescible solid waste will at no time be on site for more than 72 hours.

RAIL YARD SECURITY

The rail yard is fenced, gated, and under video surveillance, and access to the facility is strictly regulated. The rail yard has adequate fire hydrants and fire fighting equipment on site. A licensed exterminator will handle vector control, if necessary.

TRAFFIC FLOW

The rail yard is large enough to handle truck traffic; therefore the queuing or staging of trucks on any public roadway will not be necessary or tolerated. The rail yard is located a short distance from the New Jersey Turnpike (Exit 15E) and several hundred yards from Routes 1 & 9 (along Central Ave). All vehicles entering the rail yard will only be accepted if they have the appropriate licenses and permits.

EMERGENCY COORDINATOR

The rail yard has a designated Emergency Coordinator.

CONSTRUCTION

The rail yard has existing rail lines, scales, and adequate space for the proposed operations, therefore no construction will be necessary.

WASTE TYPES

NJRC will only receive containers of waste type 10, 13C, and 27.

ORIGINS AND DESTINATIONS

NJRC will only accept loaded intermodal containers from LICENSED TRANSFER STATIONS. NJRC will rail the aforementioned containers to various landfills including landfills located in Virginia, Ohio, and Pennsylvania.

CONTAINER TYPES

NJRC will only use railroad approved intermodal containers.

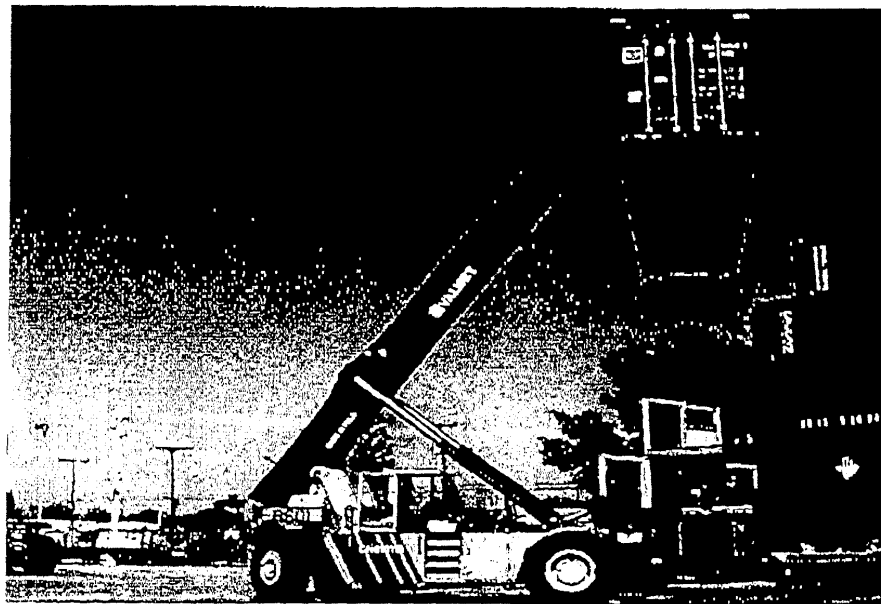
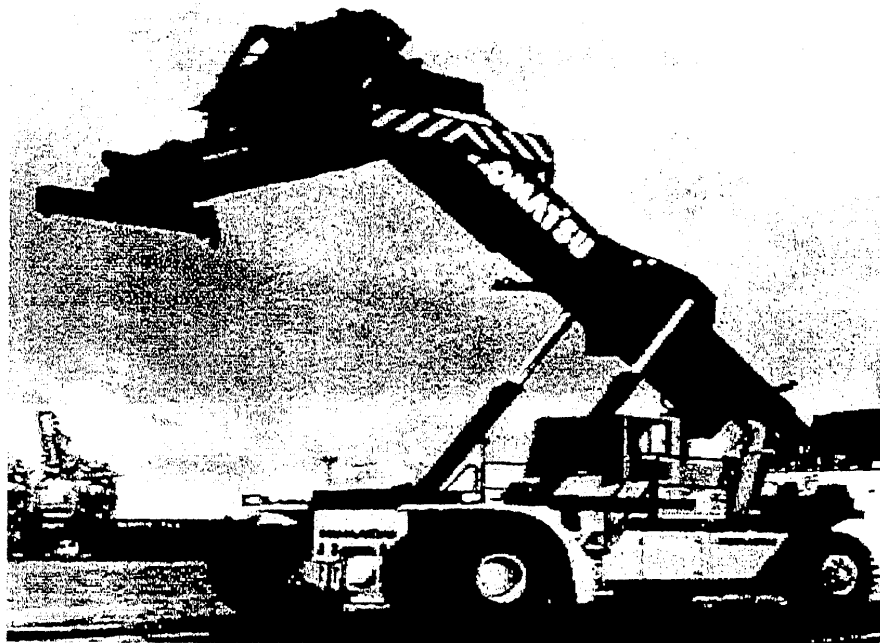
Again, it is important to stress that NJRC's sole purpose is to move containers via rail. NJRC will only accept containerized non-hazardous solid waste that has been processed by a licensed transfer station, and NJRC will comply with all district plan solid waste flow control provisions. Material will arrive at the rail yard in a container, the container will be placed on a railcar, and at no time will any material be outside of the container in which it arrived at the rail yard. NJRC will work in conjunction with all government agencies to move waste safely, efficiently, and economically, while reducing the amount of truck traffic on the state's highways.

Finally, enclosed please find a site plan, as well as photos of the equipment to be used by NJRC.

Very truly yours,

Darren Rizzo
MANAGING MEMBER
New Jersey Rail Carrier LLC

Cc: Tom Byrne



Examples of Container lifting equipment



Example of container being placed on rail car



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